Mr. T. P. Poulose (*Kanayannur*): I second it.

The motion was put and carried.

The Cochin Usurious Loans Act Amendment Bill.

Mr. T. V. Subramania Ayyar (*Nemmara*): Sir, I beg to move for leave to introduce the Cochin Usurious Loans Act Amendment Bill.

Mr. K. Ashtamoorthi Nambudiripad (*Land-holders*): I second it.

The motion was put and carried.

14. Prohibition of free Importation of Uncouponed Burma rubber into India.—(*cont*)

In supporting this resolution I have no intention of criticising the action already taken by Government nor of showing ingratitude for the assistance they have already given to the rubber producers of the State.

In the ordinary way we should have been content to await the results of the representations made to the Government of India by the Indian Rubber Licensing Committee. That Committee is a thoroughly representative one and carries the confidence of the producers. Unfortunately, being an official Committee, their proceedings are confidential and they can only release information when authorised by the Government of India. We have waited very patiently to hear that justice had been done to India in the matter of the import of rubber from Burma not covered by export licenses.

As no information has been forthcoming, we feel the time has now arrived when the support of our Government is urgently required to bring to the notice of the Government of India the extent of the handicap imposed on the Indian producer and the need to take immediate action to prohibit these unlicensed imports from the same date as the new Restriction Agreement is brought into force from the 1st January, 1939. The main principle of the agreement is the restriction of export of rubber to that covered by its export allotment. Why therefore should this principle be violated for the benefit of Indians and to the detriment of the Indian rubber growers?

We were told earlier that there were difficulties owing to the Trade Agreement between India and Burma which had still some time to run. There are however full provisions in this Agreement to cover our case, and in the exactly parallel case of tea, import from Burma has already been prohibited unless

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accompanied by license. We feel that there is no reason whatever to refuse to the rubber growers of the South the same protection which has already been afforded to the tea growers of the North.

Owing to the import to our local market of about 3,157 tons of unlicensed Burma rubber in 1937 and of 1,649 tons for the first 9 months of 1938, prices on the Calcutta market have collapsed and every rubber grower, large or small, in South India has suffered grievously. The International Rubber Committee appears to have recognised the injustice and has made provision to allow Burma an addition to their standard export quota of 3,000 tons, if the Government of India exercises its right to protect its own nationals. That Committee is in a position to calculate the value to Burma of the unlicensed entry to our markets, and I think we are justified in claiming that the figure of 3,000 tons admitted to be the advantages gained by the Burma growers is also the measure of the detriment to Indian growers. In the current year with a net export quota of some 7,000 tons the competition in our home market of 3,000 tons of free foreign rubber is more than serious.

I have no more to add except that I feel confident that we shall receive all possible support from our Government, but what we do ask now is that this support should be forthcoming immediately so that Burma is not allowed to continue free imports for even a short period in 1939, during which time they can flood our domestic market with their surplus production and so reduce prices in the Calcutta market to an uneconomic level for another year.

The time is very short and is indeed much less than Governments usually require to take action, but we have very great faith in the energy and tenacity of our Diwan and hope and trust that immediate action will be taken if possible during the next 24 hours.

മിസ്റ്റർ ബി. എം. പീറർ: സർ, എന്റെ മാന്യ സ്നേഹിതൻ ആയ മിസ്റ്റർ മത്തായിയുടെ ഇ പ്രമേയത്തെ അനുകൂലിക്കുന്നതിൽ ധാരാളം സന്തോഷമുണ്ടെങ്കിലും നമ്മുടെ രാജ്യത്തെ വ്യവസായത്തെപ്പറ്റി കൂലങ്കഷമായി പരിശോധിക്കുമ്പോൾ ഇതിനെ എതിർക്കുന്നതിനായിട്ടാണു് ഞാൻ നിർബ്ബന്ധിതനായി തീരുന്നതു്. അതായതു് ഇന്നു് ബർമ്മയിൽനിന്നു ഇറക്കുമതിചെയ്യുവരുന്ന റബ്ബറിനെപ്പറ്റി ആലോചിച്ചാൽ ഉദ്ദേശം ൩,൦൦൦ടൺ റബ്ബറാണു് ഇവിടെ ഇറക്കുമതി ചെയ്യപ്പെടുന്നതെന്നു കാണാം. പക്ഷെ ഇതെസമയംതന്നെ നമ്മുടെ കൊച്ചി തുറമുഖത്തുനിന്നും ബർമ്മയിലേക്കു കയറ്റുമതിചെയ്യപ്പെടുന്ന ചരക്കുകളുടെ കണക്കുനോക്കിയാൽ ബർമ്മാക്കാർ നമ്മുടെ സാധനങ്ങൾ വാങ്ങിക്കുന്നതിനു കൂടുതൽ താല്പര്യം കാണിക്കുന്നുണ്ടെന്നു കാണാം. നമ്മു

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ടെ രാജ്യത്തെ ഒരു പ്രധാന വ്യവസായമായ കയർ വ്യവസായത്തെപ്പറ്റി നോക്കിയാൽ ഫൻസ് ടു ജ്രൂൺ മുതൽ ഫൻസ് വു ജ്രൂൺവരെ ൨,൨ വ്വ ടൺ കയർ ബമ്മയിലേക്കു കയറ്റുമതി ചെയ്തിട്ടുണ്ടെന്നു തെളിയുന്നു. അതുപോലെതന്നെ മറ്റൊരു വ്യവസായമായ മത്സ്യവ്യവസായത്തെപ്പറ്റി നോക്കിയാലും ഇവിടെനിന്നും വലിയൊരു തുക അതായതു ൨,൯൪൦ ടൺ മത്സ്യം ബമ്മയിലേക്കു കയറ്റി അയച്ചിട്ടുണ്ടു്.

മിസ്റ്റർ വി. കെ. കൃഷ്ണൻകുട്ടി: കയറ്റിഅയക്കുന്ന സാധനങ്ങൾക്കു അവിടെ ചുങ്കം ചുമത്തുന്നുണ്ടോ ?

മിസ്റ്റർ ബി. എം. പ്രിറ്റർ: ഇല്ല. അതുപോലെതന്നെ അവരുടെ സാധനങ്ങൾക്കു നമ്മുടെ പോർട്ടിലും ചുങ്കം കൊടുക്കണ്ട. പിന്നെ നമ്മുടെ എറ്റവും പ്രധാനമുള്ളതായ നാളികേരം, വെളിച്ചെണ്ണ മുതലായ സാധനങ്ങളും ബമ്മയിലേക്കു ധാരാളം കയറ്റുമതിചെയ്യുന്നുണ്ടു്. ഇതെല്ലാം പരിശോധിച്ചാൽ നാം ബമ്മയിൽനിന്നു നേരിട്ടു ഇറക്കുമതിചെയ്യുന്ന ചരക്കുകൾക്കു് റസ്ട്രിക്ഷൻ വെച്ചാൽ നാം അങ്ങോട്ടു കയറ്റിഅയക്കുന്ന ചരക്കുകളെ അവർ അവിടേയും പ്രതിരോധിക്കപ്പെട്ടുവാൻ ഇടവന്നേക്കുമെന്നാണു് എന്റെ വിശ്വാസം. അതുകൊണ്ടു ഈ സംഗതിയിൽ ശബ്ദമുണ്ടു് എന്തെങ്കിലും പ്രവൃത്തിക്കുവാൻ വിചാരിക്കുന്നുണ്ടെങ്കിൽ ഞാൻ പറഞ്ഞിട്ടുള്ള ടി സംഗതികളെക്കുറിച്ചും പരിശോധിച്ചിട്ടേ അതിൽ വേണ്ടതുക്കു നടപടി നടത്താവൂ എന്ന അപേക്ഷയോടുകൂടി ഞാൻ ഇതിനെ എതിർക്കുന്നു.

Mr. C. V. Iyyu (*Kunnamkulam*): Sir, I rise to support the motion of my hon'ble friend the member for Planters. Before speaking anything on the subject of Rubber Restriction Scheme, I think it is my first duty to answer to the points raised by the member for Latin Christians, opposing the resolution. He has produced before the House certain facts about the exportation of coir yarn, fish, cocoanut oil, etc. More of coir yarn is exported from Alleppey, more of fish is exported from Travancore, and I think the whole of our State export of cocoanut oil is only a fraction when compared to the export from Travancore. And yet the Travancore Chamber of Commerce has protested against the free importation of Burma rubber. They never found that their exports would be boycotted by the Burmese, or by the Burma Government. So that does not stand as an excuse for opposing this resolution. I purposely sat down giving an opportunity for the hon'ble member for Latin Christians to give his opinion in the matter, because I knew last night itself that he may be opposing the resolution on these grounds. I thought I would be able to convince him, supported as I am by the evidence of the Travancore Chamber of Commerce.

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): Travancore might have gone wrong.

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Mr. C. V. Iyyu (*Kunnamkulam*): The Travancore Chamber of Commerce will never go wrong in this matter.

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): What is the percentage of the Planters' element in the Chamber of Commerce in Travancore?

Mr. C. V. Iyyu (*Kunnamkulam*): I do not think it will be more than that of other parties. There are people who have no interest in rubber in the Chamber of Commerce.

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): What about Mr. A. V. Thomas? Is he not the President?

Mr. C. V. Iyyu (*Kunnamkulam*): Mr. A. V. Thomas is a big planter, but he is also the greatest person who exports coir yarn also. Then Mr. Janardanan Pillai is a coir yarn merchant. He is the Secretary also, I think.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): Will the hon'ble member be pleased to inform the House whether the apprehensions now put forward by the hon'ble member for Latin Christians are correct?

Mr. B. M. Peter (*Latin Christians-Mattancheri*): The apprehensions are without any foundation, nor are they correct. The Travancore Chamber of Commerce who are as much interested in rubber as in other products have protested against this import of unlicensed Burma rubber.

Mr. K. Kochukunhan Kaimal (*Vadakkancheri*): Is that the only authority that you rely upon?

Mr. C. V. Iyyu (*Kunnamkulam*): That is perhaps my chief authority.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): Was this question discussed by the Travancore Legislative Assembly?

Mr. C. V. Iyyu (*Kunnamkulam*): Yes. The Government of Travancore has also addressed the Government of India to see that importation of Burma rubber is stopped.

The Indian Rubber Licensing Committee has recommended that the whole question should be considered seriously. The Government of India is interested only in North Indian products like jute or something that may be receiving some concession in Burma, and therefore they do not know much about rubber. When the Rubber Restriction Scheme was introduced,

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the Government of India replied that they would join the Rubber Restriction Scheme only conditionally. They openly said in the Assembly, and it is I think Mr. G. S. Bajpai who spoke on behalf of the Government of India, that the Governments of Travancore and Cochin are alone interested, and therefore they would join us on condition that the whole burden will rest upon our Government and the Government of Travancore to solve this problem. The Government of India will be guided by our decision. We may pin the Government of India in the matter on this point. If the Government is convinced that the rubber industry is not thriving because of the free import of the rubber, Government ought to address the Government of India to stop this. Even from the very outset of the introduction of the Rubber Restriction Scheme, the Indian Rubber Licensing Committee as well as the planters in Cochin and also the rubber planters in Travancore and Mysore were protesting against the free import of Burma rubber into India, and the Government of India used to reply that Burma is politically a part of India, and that when it is separate the matter will be taken into consideration. Even when Burma waspolitically a part of India, the Rubber Licensing Committee was a separate thing in regard to Burma, when the Rubber Restriction Scheme was introduced. There was a separate Rubber Licensing Committee for India and another for Burma. The separation of Burma and India is *fait accompli* now, and the Government can now demand them not to import unlicensed rubber in future. The Tea Restriction Scheme is an identical affair. Mr. Walmseley pointed out that tea is not now imported from Burma without license. The International Rubber Regulation Committee, when they formulated the new Rubber Restriction Scheme have given the option for Burma to export 3,000 tons more of rubber outside Burma to foreign markets, in case they do not export rubber into India. If the Government of India takes a strong move due to the representation of our Government, this can be easily accomplished, and the world market will not be affected by 3,000 tons of extra rubber. I may also point out that rubber is an elastic product, and so rubber produce is also very elastic. If you restrict it to 35 or 40 per cent, we will be able to tap 30 or 40 per cent, because generally most of the planters tap only once in 3 days or on alternate days. If the whole of the rubber is exported, we will tap everyday and sometimes twice a day. When the International Committee fixed the quota for 1937, it was feared that the Dutch East Indies will not be able to export 90 per cent of their quota, but in actual practice they exported 90 per cent, and a larger quantity remained. So if a larger amount is tapped, it will be a greater problem to be solved. More labourers will

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be employed, if a larger quota is allowed. So this will be a means to solve the labour problems also. I can also point out that in 1937 the price of quota alone without rubber came up to about Rs. 41, and this year in 1938 the price came down to the extent of Rs. 28. When the price of uncouponed rubber in India came down to Rs. 11 and 12, Burma rubber was sold in Cochin and Alleppey at the rate of 9 rupees per 100 pounds. Of course, the quality is a little bit inferior. Even then the rubber was dumped into Cochin Port at the rate of Rs. 9.

Generally these minor planters who have only plantations of 10 or 15 acres do not at all tap, but they sell their quota, and these rubber merchants make it a speculation business, and export Burma rubber on Indian quota. One of the reasons, for this inferior variety of rubber being dumped into India is that here there are rubber factories, 4 or 5 in Calcutta itself. But my information is that, if the whole of the rubber produced in India is permitted to be consumed only in India, the present rubber produced in India will not be sufficient to meet the consumption in India. Indian product will get a higher price and more rubber will be produced in India. Our Government must therefore take the cause of the local rubber producers and take it as a problem of labour and agriculture, and the Government of India has to be addressed to accept the terms put in by our Government to restrict or even to stop the import of rubber from Burma to India.

Mr. T. Narayana Menon (*Conservator of Forests*): Sir, the position of the Government in this matter is this. They have already realised the force of the contention that the free export of rubber from Burma into India is a severe handicap to the industry here and I may inform the House that, as a matter of fact, sometime last year this point was taken by the Cochin Government to the notice of the Government of India through the British Resident. The new restriction scheme is to come into force in January 1939, and we know that the local planting industry is very much exercised on this point. There is no difference of opinion between the mover of the resolution and this Government with regard to the necessity of prohibiting the free import from Burma. The only question for consideration is that, having made a representation to the Government of India last year, whether another occasion has arisen to raise the matter again just now. As pointed out by Mr. Walmseley, the chief reason for doing so will be that there is no indication so far as to what action the Government of India propose to take on this question. I believe, in the light of the arguments now raised, this Government will have no objection to take up the matter

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once again and make a further representation to the Government of India.

Mr. President: Government have accepted the resolution.

മിസ്റ്റർ ഇസ്മായിൽ ഹാജി ഇബ്രാഹിം സേട്ട്: മിസ്റ്റർ പ്രസിഡന്റ് സർ, ഈ റബ്ബർ റസ്ലിക്ഷനെ സംബന്ധിച്ച ഒരു വാക്ക് എനിക്കു പറയുവാനുണ്ട്. അതായതു് മിസ്റ്റർ പിറർ പറഞ്ഞപോലെ ബർമ്മയിൽനിന്നും ഇൻഡ്യയിലേക്കു അയക്കുന്ന റബ്ബറിനെ തടയുന്നതു നല്ലവണ്ണം ആലോചിച്ചുവേണം എന്നാണ്. എന്തുകൊണ്ടാണെന്നുവെച്ചാൽ നാം ഇവിടെനിന്നും നാളികേരം മുതലായ പലേ സാധനങ്ങളും അങ്ങോട്ടു കയറ്റിഅയക്കുന്നുണ്ട്. തിരുവിതാംകൂറിലെ സ്ഥിതി നോക്കിയാൽ അവിടത്തെ കയർ മുഴുവനും ബർമ്മക്കാർ ആണ എടുത്തുപോരുന്നതു്. അതോടുകൂടി നമ്മുടെ വെളിച്ചെണ്ണയും ബർമ്മക്കാർ കൂടുതൽ എടു പോരുന്നുണ്ട്. റബ്ബറിനെപ്പറ്റി ആകെ നോക്കിയാൽ വളരെ കഷ്ടപ്പാടനുഭവിക്കുന്നു. ബർമ്മാറബ്ബർ ഇവിടെ ഇറക്കുമതി ചെയ്തു വരുന്നതുകൊണ്ടാണ് ഇവിടെയുള്ള റബ്ബറിന്റെ വില കായുന്നതു് എന്നു പറയുന്നതിൽ എനിക്കു വിശ്വാസമില്ല. ബർമ്മയിൽനിന്നു കൂടുതൽ റബ്ബർ അമേരിക്ക, സിലോൺ എന്നീ രാജ്യക്കാർ ആണ് എടുത്തിരുന്നതു്. അമേരിക്കക്കാർ ബർമ്മയിൽനിന്നു റബ്ബർ ധാരാളമായി എടുക്കുകയാണെങ്കിൽ പിന്നെ ബർമ്മാറബ്ബർ ഇന്ത്യയിലേക്കു അധികം അയക്കേണ്ടിവരികയില്ല. പിന്നെ റബ്ബർ ഉണ്ടാക്കുന്നതിനെ സംബന്ധിച്ചു 'കോട്ട്' റസ്ലിക്ഷൻ വരുന്നതിനു മുൻപു ധാരാളം വിലയുണ്ടായിരുന്നു. അന്നു ഒരു പൌണ്ട് റബ്ബറിനു നൂറു സെയെ ചിലവുണ്ടായിരുന്നുള്ളു. അന്നു ഒരു പൌണ്ടിനു ഒരു രൂപയിലധികം വിലയുണ്ടായിരുന്നു. അതുകൊണ്ടു് അന്നുതന്നെ റബ്ബർ പ്ലാന്റേഴ്സ് ധാരാളം സമ്പാദിച്ചിട്ടുണ്ട്. ഇപ്പോൾ അനേകം പ്ലാന്റേഴ്സ് 'കോട്ട്'ഗാം ബ്ലിങ്ങ് നടത്തിവരുന്നുണ്ട്. അതിനു ഫ രൂപ മുതൽ ര രൂപവരെ വിലയുണ്ടായിട്ടുണ്ടു്.

മിസ്റ്റർ സി. വി. ഐയ്യു: ഫ രൂപക്കു കച്ചവടക്കാർ വാങ്ങിയിട്ടു കൂടുതൽ വിലക്കു വില്ക്കുകയാണു ചെയ്യുന്നതു്.

മിസ്റ്റർ ഇസ്മായിൽ ഹാജി ഇബ്രാഹിം സേട്ട്: പിന്നെ നമ്മുടെ ഗവമ്മെണ്ടു മാത്രം റസ്ലിക്ഷൻ ചെയ്താൽ അതു സാധിക്കുമെന്നു തോന്നുന്നില്ല. അതുകൊണ്ടു് ഗവമ്മെണ്ടു് ഇതംഗീകരിക്കണമെങ്കിൽ ബാക്കിയുള്ള ഗവമ്മെണ്ടുകളുമായി ആലോചിച്ചും മിസ്റ്റർ പിറർ ഇവിടെ ചൂണ്ടിക്കാണിച്ചിട്ടുള്ള സംഗതികളും ഓർമ്മിച്ചും വേണം എന്നാണു് എന്റെ അപേക്ഷ.

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): Is there any real ground for apprehending retaliation?

Mr. President: I don't think there is any.

Mr. M. K. Devassy (*Adur*): May I know from the Government whether it has considered this aspect?

Mr. President: Government have accepted the resolution. The House can vote on the resolution, notwithstanding the acceptance of the resolution by the Government. The position

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of the Government has been explained. Mr. Walmseley and Mr. Mathai have made out a very strong case, and Government are prepared to accept the resolution, and they propose to take the matter to the notice of the India Government.

Mr. M. K. Devassy (*Adur*): I want to know whether the Government has considered the question of the agriculturists.

Mr. President: Government have no apprehension that, if steps are taken in this direction, the agriculturists will in any way suffer.

The resolution was accepted by Government.

15. Refund of 50 per cent court fees to plaintiff in uncontested suits and reduction of costs in ex-parte suits.

Mr. M. K. Devassy (*Adur*): "*This Council recommends to the Government to so amend the provisions of the Cochin Court Fees Act and the Cochin Code of Civil Procedure as to effect a refund of 50 per cent of the usual court fees to the plaintiff if the suit is decreed uncontested and to provide for a proportionate reduction in the costs which the ex-parte defendant might be ordered to pay.*"

I don't think that there is any necessity for any elaborate speech on the matter, except for me to point out to those hon'ble members of this House who are not much acquainted with the courts of law the full implication of the resolution which I have tabled.

As we get to-day, 6¼ per cent is the court fee now imposed on money suits. While no distinction is maintained between uncontested suits and contested suits in the matter of court fees, a certain amount of distinction is maintained with regard to the fee of vakils. That there is a real necessity to maintain this distinction is clear in that the principle has been accepted at least with regard to vakils fees. When the suit is contested, a larger amount of worry and a larger amount of time has to be devoted both by the court as well as those who are concerned with the case than when it is uncontested. It is with this view that all Governments have been considering the feasibility of discouraging contested suits and encouraging *exparte* suits as far as possible. I wish to point out in this connection that in olden times litigation was an exception. But now litigation has become the rule and absence of litigation has become the exception. Contest comes because there is no difference maintained

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